

# SENATE JOURNAL

*Fifty-first Legislature—First Called Session*

AUSTIN, TEXAS, TUESDAY, JANUARY 31, 1950

## PROCEEDINGS

### FIRST DAY

(Tuesday, January 31, 1950)

In obedience to the proclamation of the Honorable Allan Shivers, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin on the 31st day of January, 1950, at 12:00 o'clock, meridian.

The Honorable G. C. Morris, President pro tempore of the Senate ad interim, called the Senate to order.

#### Temporary Officers

The President pro tempore ad interim announced the appointment of the following temporary officers of the Senate:

Secretary of the Senate, Loyce Bell;  
Journal Clerk, Mrs. Henry Wendlandt;

Calendar Clerk, Mrs. Martha Turner;

Doorkeeper, R. A. Childers;  
Sergeant-at-Arms, Vernie Smith;  
Chaplain, Reverend Frank Luker.

#### Roll Call

The President pro tempore ad interim directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer

Shofner  
Strauss  
Tynan

Vick  
Weinert

Absent—Excused

Hardeman

The invocation was offered by Reverend Frank Luker, Chaplain.

#### Leave of Absence Granted

Senator Hardeman was granted leave of absence for today on account of important business, on motion of Senator Harris.

#### Oath of Office Administered

The President pro tempore ad interim appointed Senators McDonald and Aikin as a committee to escort Senator George E. Nokes, Jr., Senator-elect from Navarro County, elected to fill the unexpired term of Senator James E. Taylor, resigned, to the President's desk to take the constitutional oath of office.

The President pro tempore ad interim administered the oath of office to Senator Nokes and presented Senator Nokes, Mrs. Nokes and their son Jimmie, to the Senate.

#### Proclamation by the Governor

The President pro tempore ad interim laid before the Senate and had read the following proclamation by the Governor:

#### PROCLAMATION

By the  
Governor of the State of Texas  
41-608

To All to Whom These Presents Shall Come:

I, Allan Shivers, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a Special Session of the Fifty-first Legis-

lature to be convened in the City of Austin, commencing at twelve o'clock noon on Tuesday the thirty-first day of January, A.D., 1950, for the following purposes:

1. To make and to finance such appropriations as the Legislature may deem necessary for the State Hospitals and Special Schools, same being the agencies and institutions for which current appropriations were made by Chapter 553, Acts of the Fifty-first Legislature, Regular Session.

2. To consider and act on such other subjects and questions as the Governor may from time to time submit by message for the consideration of the Legislature at such Special Session.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this twenty-fifth day of January, A.D., 1950, under the Seal of this State properly attested by the Secretary of State.

ALLAN SHIVERS,  
Governor of Texas.

(SEAL)  
Attest:  
BEN RAMSEY,  
Secretary of State.

#### Caucus Report

(S. R. 1)

Senator Weinert submitted the following report:

Senate Chamber,  
Austin, Texas,  
January 31, 1950.

Honorable G. C. Morris,  
Acting Lieutenant Governor,  
Austin, Texas.

Sir:

At a caucus held in the office of the Senate attended by 26 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the 51st Legislature, First Called Session, and at the salaries set opposite their names:

Secretary of the Senate, Mrs. Loyce Bell, \$425.00 per month.

Assistant Secretary of the Senate, which shall be appointed by the Secretary of the Senate, \$10.00 per day.

Journal Clerk, Mrs. Henry Wendlandt, \$10.00 per day.

Sergeant-at-Arms, for the duration

of the First Called Session, Vernie Smith, \$10.00 per day.

Doorkeeper, R. A. Childers, \$8.50.

Chaplain, Frank Luker, \$7.00.

Calendar Clerk, Martha Turner, \$10.00.

Engrossing and Enrolling Clerk, Essie McGinnis, \$12.50.

Postmistress, Mrs. Lola Lawrence, \$10.00.

Mailing Clerk, Mrs. Anna Polglass, \$10.00.

Parliamentarian, named by the Acting Lieutenant Governor, Noel K. Brown, \$12.50.

It is recommended that each Senator, Acting Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary, who shall act as clerk of the committee of which the Senator naming such employee is chairman, such employee to receive \$10.00 per day, except the private secretary of the Acting Lieutenant Governor who shall receive \$11.00 per day, and except the salaries of other employees which may be supplemented at the discretion of the Contingent Expense Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the First Called Session of the 51st Legislature.

It is further recommended that each Senator, the Acting Lieutenant Governor and the Secretary of the Senate be permitted to name two employees of the Senate in addition to their private secretary, that the names of such employees be referred to an Assignment Committee hereinafter named, that said committee be authorized to select from said list all employees in the Engrossing and Enrolling Room and other departments of the Senate, said employees so named by the Senators, the Acting Lieutenant Governor and the Secretary of the Senate to receive \$7.00 per day.

It is further recommended that the Acting Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the extra employees and the porters

who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services, the per diem allowed each of the employees mentioned in this section to be the same as herein fixed.

It is further recommended that the several appointments of employees heretofore made by the Acting Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$5.00 per day each, and the salaries of the porters shall be \$4.00 per day each, except the head porter whose salary shall be \$7.00 per day and the porter carrying the mail shall receive \$4.00 per day, and the salaries of the pages shall be \$4.00 per day, and the salaries of the messengers shall be \$4.00 per day.

The Acting Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of the telephone operator of the Senate, and a night operator be named by the assignment committee, out of the employees whose names are filed with said committee.

The Acting Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate, shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Acting Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they

are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Acting Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1100 journals be printed, all of which shall be prorated among the Senators, on the basis of the population of their respective districts, according to the last United States census, and Acting Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Acting Lieutenant Governor, the Secretary of the Senate, and Librarian be permitted to subscribe for three newspapers to be paid for out of the contingent fund.

It is further recommended that the Acting Lieutenant Governor has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the

Chairman of the Assignment Committee aforesaid the names of the employees selected, together with their post office addresses.

Be It Further Resolved, that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Acting Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,  
• WEINERT,  
Chairman of the Caucus.

On motion of Senator Weinert, further reading of the report was dispensed with and it was adopted as a resolution of the Senate.

#### **Oath of Office Administered to Officers of the Senate**

At the request of the President pro tempore ad interim, the elected officers of the Senate, named in the caucus report, appeared at the bar of the Senate and took the constitutional oath of office.

#### **Election of President Pro Tempore**

The President pro tempore ad interim announced the election of President pro tempore of the Senate for the First Called Session of the Fifty-first Legislature as the next business in order.

Senator Moffett nominated Honorable Grady Hazlewood of Potter County to be President pro tempore of the Senate for the First Called Session of the Fifty-first Legislature.

Senator Harris seconded the nomination of Honorable Grady Hazlewood.

There being no further nominations, the President pro tempore ad interim appointed Senators Vick and Harris to take up and count the ballots.

The ballots were taken up and counted and it was announced that Honorable Grady Hazlewood had received 29 votes and had been duly elected President pro tempore of the Senate for the First Called Session of the Fifty-first Legislature.

Senators Moffett, Proffer, and Bell then escorted Honorable Grady Hazlewood to the President's desk, where he took the constitutional oath of office, which was administered by Honorable G. C. Morris, President pro tempore of the Senate ad interim.

Honorable G. C. Morris then presented Honorable Grady Hazlewood to the Senate.

President pro tempore Hazlewood addressed the Senate briefly and thanked the members of the Senate for the honor bestowed upon him.

#### **Senate Notified**

A committee of five members of the House appeared at the bar of the Senate and Honorable William A. Miller, for the committee, announced that the House is organized and ready for the transaction of business.

#### **Committees to Notify House and the Governor**

Senator Aikin moved that a committee be appointed to notify the Governor and a committee be appointed to notify the House that the Senate is organized and ready for the transaction of business.

The motion prevailed.

Accordingly the President pro tempore ad interim appointed the following committees to notify the Governor and the House that the Senate is organized and ready for the transaction of business:

To notify the Governor: Senators Bell, Nokes and Proffer.

To notify the House: Senators Harris, Vick and Morris.

#### **Senate Concurrent Resolution 1**

Senator Aikin offered the following resolution:

S. C. R. No. 1, Providing for a Joint Session to hear the message of the Governor.

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Senate and House meet in joint session at 12:00 noon Wednesday, February 1, 1950, for the purpose of hearing the message of His Excellency, the Governor of Texas, to the Special Session of the 51st Legislature.

The resolution was read. On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 2

Senator Kelly of Tarrant offered the following resolution:

S. C. R. No. 2, Providing for method of operation of State Government without additional taxes.

Whereas, Cost of government, both federal and state, is becoming astronomical, and, in fact, unbearable to the taxpayers of this country, during the administration of 32 Presidents of this country covering a period of 156 years the Federal Government spent 179 billions while under the present President of the United States in less than 5 years the Federal Government has spent 191 billions, and

Whereas, In the last 10 years the population of the State of Texas has increased 18%, the cost of living has increased 70%, while at the same time the cost of Texas government has increased 207%, and

Whereas, At the beginning of the regular session of the 51st Legislature in January, 1949, the General Revenue Fund in the State Treasury showed a surplus of some 92 million dollars, and

Whereas, In order to operate our state government it is necessary that each session of the Legislature pass four general appropriation bills, which bills were in the 51st Legislature H. B. 319 (State Institutions of Higher Learning), H. B. 320 (Judiciary), H. B. 321 (State Hospitals and Special Schools), and H. B. 322 (Departmental) for the 1949-50 and 1950-51 biennium, and because of failure of the last regular session to pass these bills before answering the demands of various pressure groups crying for a slice of the General Revenue Fund

surplus, it was necessary for the late Governor Beauford H. Jester to veto the second year of the appropriation to operate the state hospitals and special schools as provided for in H. B. 321 amounting to \$17,561,821.00 as provided for in said bill, and

Whereas, It is increasingly apparent that members of the legislative bodies have forgotten that there is such a word as economy, but the people back home, taxpayers that is, are demanding that we get back to constitutional government and the direction of the Constitution of the State of Texas to the effect that taxes shall be equal and uniform and that they shall be levied for economical government purposes only shall be followed, and

Whereas, We all recognize that the poor unfortunates in our State Hospitals and Special Schools must be provided for and that they must be provided for as well as we can afford to provide for them to the end that their care, treatment and education will be of the finest type, however this Legislature should, nevertheless, conduct the affairs of this State Government along the lines of economy, and

Whereas, members of the committees to which bills are referred in this special session of the 51st Legislature now convened will be the only members who will actually hear first-hand testimony and evidence presented in behalf of and against said bills;

Now, Therefore, Be it Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Senate and the House meet in a joint session in the House of Representatives and resolve themselves into a committee of the whole, such joint session to be held after one week's notice following the passage of this resolution in both the Senate and the House, in order that all the members of the Legislature may, at one time at one place, meet and hear the plea of the taxpayers of this state, and determine the best method to provide the operation of the government of this state without resorting to any additional taxes.

The resolution was read.

On motion of Senator Kelly of Tarrant the resolution was referred to the Committee on Judicial Districts.

#### House Notified

The committee to notify the House

that the Senate is organized and ready to transact business, appeared at the bar of the Senate, and Senator Harris, for the committee, notified the President pro tempore and the Senate that the committee had performed the duty assigned it.

#### Governor Notified

The committee to notify the Governor that the Senate is organized and ready to transact business appeared at the bar of the Senate, and Senator Bell, for the committee, notified the President pro tempore and the Senate that the committee had performed the duty assigned it.

#### Senate Assignment Committee

Pursuant to the provisions of S. R. No. 1, the President pro tempore announced the appointment of the following Senate Assignment Committee:

Senators Aikin, Morris, Strauss, Harris and Carney.

#### Senate Resolution 2

Senator Strauss offered the following resolution:

Whereas, The Texas History Class of Sacred Heart School of Hallettsville is on an educational tour of the City of Austin, and

Whereas, They are accompanied by their teacher Sister M. Bernadine and their sponsors Mrs. G. H. Gerdes and Mrs. Gus J. Strauss, and Rev. Clarence Leopold, and

Whereas, This fine group of young future citizens is now present in the gallery to witness the formal opening of this momentous Special Session,

Be It Resolved, By the Senate, that we bid them a hearty welcome and extend to them the privileges of the floor for the day.

Be it further resolved, That a copy of this resolution be forwarded to each member of this group.

The resolution was read and was adopted.

#### Appointments on Standing Committees

The President pro tempore announced the appointment of Senator Nokes, the Senator from Navarro, to membership on the following standing committees: Banking, Commerce and

Manufactures, Contingent Expense, Education, Finance, Game and Fish, Military and Veterans Affairs, Rules, and State Affairs.

The President pro tempore also announced the appointment of Senator Carney as chairman and Senator Lane as vice-chairman to the Committee on Finance.

#### Adjournment

On motion of Senator Morris, the Senate at 12:30 o'clock p.m., adjourned until 11:30 o'clock a.m. tomorrow.

#### SECOND DAY

(Wednesday, February 1, 1950)

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Akin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Nokes
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

#### Absent—Excused

Lock

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

#### Leave of Absence Granted

Senator Lock was granted leave of absence for today on account of important business on motion of Senator Moffett.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Carney:

S. B. No. 1, A Bill to be entitled